

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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Rockville, Maryland 20850

[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

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**Case No. S-2769**

**PETITION OF TJW DOGS OF SILVER SPRING, LLC**

OPINION OF THE BOARD

(Opinion Adopted: November 17, 2010)

(Effective Date of Opinion: November 22, 2010)

Case No. s-2769, Petition of TJW Dogs of Silver Spring, LLC, d/b/a The Dog Stay, is an application for a special exception, pursuant to Section 59-G-2.02 of the Zoning Ordinance to allow operation of an animal boarding place.

The Hearing Examiner for Montgomery County held a hearing on the application on July 19, 2010, closed the record in the case on September 20, 2010, and on November 3, 2010 issued a Report and Recommendation for approval of the special exception, subject to conditions.

Decision of the Board:                      Special Exception **Granted** Subject  
To the Conditions Enumerated Below.

The subject property is Parcel 763, located at 8122 Georgia Avenue, Silver Spring, Maryland 20901 in the CBD-2 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on November 17, 2010. After careful consideration and review of the record the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. The Petitioner shall be bound by all of her testimony and exhibits of record, and by the testimony of her witnesses and her representations identified in the Hearing Examiner's Report and Recommendation and in the Opinion of the Board.

2. Hours of operation are limited to 7:00 a.m. to 7:00 p.m., Monday through Sunday.
3. The special exception is limited to a maximum of six (6) employees on site at any one time.
4. The number of dogs permitted to be on the site at any one time is limited to sixty (60) dogs.
5. Pursuant to 59-G-2.02(a)(1), dogs must not be walked or exercised on the exterior of the building.
6. The Petitioner must obtain a commercial kennel license to operate the animal boarding place.
7. Petitioner must comply with all requirements of her revised Statement of Operations (Exhibit 22(a)).
8. If permitted by the Department of Permitting Services, the two signs on each side of the pylon on the site shall not exceed sixty (60) square feet.
9. Illumination of any wall sign permitted on the property shall be by a single gooseneck light.
9. Petitioner must obtain a permit from the Department of Permitting Services for all signage on the site and sign variances, if required. Prior to posting any signs, Petitioner must file a copy of the sign permits and sign variances with the Board of Appeals.
10. Petitioner additionally must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Walter S. Booth, seconded by Stanley B. Boyd, with Carolyn J. Shawaker and Catherine G. Titus, Chair in agreement and David K. Perdue Vice-Chair necessarily absent, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 22<sup>nd</sup> day of November, 2010.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.

See Section 59-A-4.53 of the Zoning Ordinance regarding the twenty-four months' period within which the special exception granted by the Board must be exercised.